

BEST AVAILABLE COPY

REMARKS

In response to the December Office Action, this paper is submitted to correct the claim listing labels for the non-elected claims which are not cancelled. The following repeats the remarks made in the paper filed October 18, 2005, in response to the Office Action mailed September 21, 2005 (the "September Office Action").

The Applicant notes that the September Office Action states only the restriction requirement and does not refer to the rejections previously made in the Office Action mailed December 22, 2004. The Applicant takes this lack of reference to any rejections in the case as meaning that the rejections stated in the Office Action dated December 22, 2004, have been withdrawn. In this light the Applicant respectfully requests that the claims remaining in this case in view of this response be allowed without further delay.

The Applicant believes the restriction requirement between Groups I and II is improper and should be withdrawn for the reasons stated below. Therefore, the Applicant hereby respectfully requests reconsideration and withdrawal of the restriction requirement between Groups I and II. However, in accordance with 37 C.F.R. §1.143, the Applicant hereby provisionally elects Group I, claims 1-5 and 9-13, for prosecution in this application subject to the following request for reconsideration. In accordance with paragraph 5 of the Office Action, the Applicant elects claims 1-5 within Group I.

It is noted that the Applicant does not traverse the restriction requirement as to Groups III and IV, and also does not traverse the restriction requirement between claims 1-5 and 9-13 in Group I. The claims in Groups III and IV and claims 9-13 are cancelled above without prejudice in view of the restriction as to these claims.

BEST AVAILABLE COPY

1 GROUPS I AND II ARE NOT PROPERLY RESTRICTED AS COMBINATION AND
2 SUBCOMBINATION

3 The restriction as to groups I and II states that the inventions set out in those claim groups
4 are related as combination and subcombination. As stated in the Office Action, inventions
5 related as combination and subcombination are distinct (according to the M.P.E.P. §806.05(c)) if
6 it can be shown that (1) the combination as claimed does not require the particulars of the
7 subcombination as claimed for patentability, and that (2) the subcombination has utility by itself
8 or in other combinations. It is noted that both conditions (1) and (2) must be satisfied under the
9 M.P.E.P. rule. In making the restriction as to groups I and II, the Office Action stated that the
10 combination as claimed does not require the particulars of the subcombination as claimed
11 because the combination requires that the trigger group be pre-assembled. However, this
12 contention is not borne out in the claim language. Element (a) of claim 1 (Group I) requires
13 "assembling a number of trigger group components in a trigger group module" whereas element
14 (a) of claim 6 (Group II) requires "assembling a number of trigger group components in a module
15 housing to produce a pre-assembled trigger group module." In light of these claim requirements,
16 it is simply not the case that one of Groups I and II requires a pre-assembled trigger group while
17 the other does not. Both groups of claims specifically require assembling a trigger group module.
18 Thus, the rationale given in the Office Action for the restriction as to Groups I and II is clearly
19 incorrect.

20 For these reasons the Applicant believes the claims of Groups I and II should not be
21 restricted and that both groups of claims should be considered in the present application. The
22 Applicant therefore respectfully requests that the restriction as to Groups I and II be withdrawn.
23

BEST AVAILABLE COPY

THE NEW CLAIMS

New claims 23 through 32 are added in the above amendments. Claims 23 through 26 include generally limitations previously set out in claims 9 through 12, but are written to depend from claim 1. Claims 27 through 30 similarly correspond to claims 9 through 12 but are written to depend from claim 6. Independent claim 31 generally incorporates limitations from claims 1 and 9, while independent claim 32 generally incorporates limitations from claims 6 and 9.

CONCLUSION

The Applicant respectfully requests reconsideration and withdrawal of the restriction requirement between Groups I and II and requests that claims in both of these groups be considered in this application. Considering that the present Office Action apparently withdraws the claim rejections previously stated in the Office Action of December 22, 2004, the Applicant respectfully submits that claims 1 through 8 are in condition for allowance and should be allowed without further delay together with new claims 23 through 32.

Respectfully submitted,

The Culbertson Group, P.C.

Dated: 30 Dec. 2005

By: 

Russell D. Culbertson, Reg. No. 32,124
Trevor Lind, Reg. No. 54,785
1114 Lost Creek Boulevard, Suite 420
Austin, Texas 78746
(512)327.8932
ATTORNEYS FOR APPLICANT

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 571-273-8300) on December 30, 2005.

Russell D. Culbertson, Reg. No. 32,124 

1006_RR Response_OA 051221.wpd